

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:99-00155-02

MARGORETTI RUCKER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On November 12, 2014, the United States of America appeared by Timothy D. Boggess, Assistant United States Attorney, and the defendant, Margoretti Rucker, appeared in person and by his counsel, David R. Bungard, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Troy A. Lanham. The defendant commenced a twenty-four month less one day term of supervised release in this action on January 10, 2013, as more fully set forth in the Supervised Release Revocation and Judgment order entered by the court on March 28, 2012.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed marijuana as evidenced by positive urine specimens submitted by him on August 15 and 27, 2013, and January 6 and October 16, 2014; (2) the defendant used alcohol excessively during the months of January, February and March 2014, as evidenced by his admission to the probation officer that he had done so on February 4 and March 4, 2014; (3) the defendant failed to abide by the special condition that he take all medications as prescribed inasmuch as on February 4 and March 4, 2014, he admitted to the probation officer that he had not been taking his anti-seizure medication because he was unable to drink alcohol when taking it; (4) the defendant failed to abide by the special condition that he follow the requirements of his sex offender treatment program in that he had been viewing pornography three to four times per week as evidenced by his admissions on August 27, 2013, and April 17, 2014, to the probation officer and his therapist; and (5) the defendant failed to abide by the special condition that he

reside at Dismas Charities until January 10, 2015, inasmuch as he reported there on June 26, 2014, and on September 30, 2014, absconded from the facility rendering his whereabouts unknown; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release and amendment thereto.

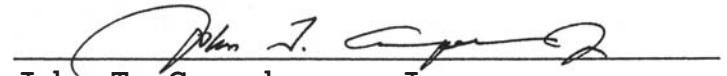
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE MONTHS LESS ONE DAY.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 19, 2014

  
John T. Copenhaver, Jr.  
United States District Judge